

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

R.J. REYNOLDS TOBACCO COMPANY, a
North Carolina Corporation,

Plaintiff,

v.

ROB MCKENNA, in his capacity as Attorney
General of Washington; and MERRITT D.
LONG, VERA ING, and ROGER HOEN, in
their capacities as Members of the Washington
State Liquor Control Board,,

Defendants.

Case No. C06-5223


ORDER ON MOTION FOR
RECONSIDERATION AND
REQUEST FOR STAY PENDING
APPEAL

Defendants have moved for reconsideration and a stay pending appeal of this Courts's Order of August 24, 2006, finding Washington Session Law Ch. 14 (2006) preempted by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1334(b). After reviewing all materials submitted by the parties and relied upon for authority, the Court is fully informed and hereby finds that the Washington Session Law Ch. 14 (2006) is preempted by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1334(b) only in application of the law to cigarette sampling. The Court is not persuaded that additional limiting language is warranted or that the circumstances warrant the issuance of a stay pending appeal. Accordingly it is hereby ORDERED:

ORDER - 1

- (1) Washington Session Law Ch. 14 (2006) is enjoined only to the extent the law prohibits the sampling of cigarettes.
- (2) The request for a stay pending appeal is denied.

DATED this 25th day of September, 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE